

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

JERRAY BROWN,	:	APPEAL NO. C-120635
	:	TRIAL NO. 12CV-15558
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
LEWIS BROKAW, D.D.S.,	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 2, App.R. 11.1(E), and 1st Dist. Loc.R. 11.1.1.

Plaintiff-appellant Jerray Brown appeals the judgment of the Hamilton County Municipal Court dismissing his dental-malpractice action against defendant-appellee Lewis Brokaw, D.D.S.

Brown filed the action against Brokaw in June 2012, but he failed to file an affidavit of merit with the complaint as required by Civ. R.10(D)(2). Brokaw filed a motion to dismiss, and the trial court granted the motion.

In a single assignment of error, Brown argues that the trial court erred in granting the motion to dismiss.

We find no merit in the assignment. Dismissal of an action under Civ.R. 12(B)(6) is the proper sanction when a plaintiff fails to file an affidavit of merit with a malpractice complaint. *Fletcher v. Univ. Hosp. of Cleveland*, 120 Ohio St.3d 167,

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2008-Ohio-5379, 897 N.E.2d 147, paragraph one of the syllabus. Accordingly, we overrule the assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., CUNNINGHAM and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on March 15, 2013
per order of the court _____.
Presiding Judge